



Roger Florio

Counsel - Environmental Matters

GE

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Via e-mail and regular mail

May 27, 2011

William J. Reilly, Jr.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007-1866

Re: Response to Request for Information
Riverside Avenue Site
Newark, Essex County, NJ

Dear Mr. Reilly:

This letter and its attachments are submitted on behalf of the General Electric Company (GE) in response to the Request for Information pursuant to Section 104(e) of CERCLA from EPA regarding the above-referenced site. As mutually agreed pursuant to a May 18 telephone conversation and confirmed by email on that date, this response is being submitted on or before Friday June 17, 2011.

GE's response is constrained by the fact that the only information that EPA has provided regarding a potential nexus between GE and the Riverside Avenue site indicates that limited GE products (cresols and/or cresylic acids) may have been stored and/or repackaged at the site in the 1980s and/or 1990s. Further constraining GE's ability to conduct a search for relevant information is the fact that these products were produced by GE's former Plastics business, which was divested by the company in 2007 (contact information for the current owner is provided herein).

GE objects to the scope and breadth of the Request and believes that the Request is overbroad and unduly burdensome insofar as it purports to require responses relating to locations or materials other than those referenced in the documents that led to this inquiry; GE has responded only to those questions or portions of questions relating to or which could reasonably be expected to provide relevant information regarding activities at or a potential nexus to the Riverside Avenue site.

425422



GE reserves the right to amend, modify, correct, supplement or otherwise change this Response if additional information becomes available that would make such changes appropriate.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'R. Florio', with a stylized flourish at the end.

Roger Florio

cc: Marissa Truono
Removal Action Branch
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue, Bldg 209
Edison NJ 08837

Response to Questions:

- 1.a: General Electric Company
3135 Easton Turnpike
Fairfield CT 06858
- b: See GE annual report available on-line at: <http://www.ge.com/ar2010/index.html>
- c: GE was incorporated in New York in 1882. Its agent for service of process in New Jersey is:
The Corporation Trust Company
820 Bear Tavern Road, 3rd Floor
West Trenton, NJ 08628
(609) 538-1818
- d: General Electric Company is not now nor has it ever been a subsidiary of, or otherwise owned or controlled by any other corporation or entity. GE is a large, diversified, multi-national company and has numerous subsidiaries located throughout the world. As detailed below, the information provided by USEPA indicates the only GE business unit that may have had a nexus to the site is the former GE Plastics business, which was acquired by Saudi Basic Industries Corporation (SABIC) in 2007.
2. As explained below, GE is unable to provide a yes or no answer to the question as requested by EPA. Information provided to GE by USEPA includes a September 15, 1995 letter from Site operator Frey Industries, Inc., which indicates Frey segregated 10 drums of unspecified material for GE located in the basement of building #12. This information also includes a September 27, 1995 physical inventory of products in Building #12 of the Site, which lists 15 drums of cresols located in the basement of building 12 for which GE is listed as the customer; presumably these include the 10 GE drums in the basement referenced in Frey Industries' letter of September 15. The nexus information also includes a handwritten report of an April 2, 1987 RCRA inspection at the Site which states "cresylic acid (for petroleum industry) may also be drummed or dedrummed for General Electric (GE)." The above information indicated the nexus between the Site and GE pertains to potential storage and/or repackaging of cresols and/or cresylic acid. On information and belief, during the relevant time period these materials were produced as primary products by GE's former Plastics business at its Selkirk, NY facility. That business was divested by GE on August 21, 2007 pursuant to a Stock and Asset Purchase Agreement dated May 21, 2007 among General Electric Company ("GE") and SABIC Engineering Plastic Holding B.V. and SABIC Holding Europe B.V. (the May 21, 2007 Agreement). To the extent they exist, records relating to shipments or transactions involving cresols or cresylic acids, or relating to shipments or transactions involving the Selkirk facility or GE's former plastics business division generally, would have transferred to SABIC as part of the divestiture and would be maintained by SABIC. Moreover, pursuant to the terms of the May 21, 2007 Agreement, SABIC assumed environmental liabilities associated with the transferred business, regardless of whether any such liability arises out of pre- or post-closing transactions. Accordingly, the appropriate party to respond to this request is SABIC, and GE has notified SABIC of its potential obligations with respect to this site under the terms of the May 21, 2007 agreement. The appropriate contact within SABIC for inquiries relating to the Site is:

Andrew Hogeland
Chief EHS Counsel
SABIC
One Plastics Ave., Pittsfield, MA 01201.

3. See response to question 2 above.
4. See response to question 2 above.
5. See response to question 2 above.
6. Roger Florio
GE CEP
640 Freedom Business Center
King of Prussia PA 19406

Mary T. Sullivan
Same address as above
7. See attachment A.

07-14-62

September 27, 1995

**PHYSICAL INVENTORY OF PRODUCTS IN BLDG. #12 THAT
REQUIRE:**

1. Repackaging.
2. Return to Customer.
3. Further identification and sampling.
4. Disposal by identified customer.
5. Disposal of non-hazardous materials.
6. Disposal of potential hazardous waste.

FLOOR #5

Eight (8) drums of ONCB	4
Eight (8) drums of sludge	3
One (1) drum of paint	5
One (1) drum of Dimethyl Sulfoxide	4
One (1) drum of Hydrofluoric Acid	4
One (1) drum of Ortho Cresol	4
One (1) drum of mixed Ortho Cresol/ONCB	4

FLOOR #3

Thirty-three (33) drums of Caustic Soda	5
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BASEMENT

<u>AMT.</u>	<u>CONTAINER</u>	<u>PRODUCT</u>	<u>CUSTOMER</u>	<u>STATUS</u>
15	Drums	CRESOLS	G.E.	4
9	Drums	ONCB	MONSANTO	4
8	Drums	ETHYLENE DIAMINE	BEROL	4
2	Drums	DIETHYLENE TRAIMINE	BEROL	4
2	Drums	ACETIC ACID	V W & R	4
2	Drums	SULFURIC ACID	V W & R	4
1	Drum	MURIATIC ACID	V W & R	4
2	Drums	DIMETHYLAMINOPROPYLAMINE	V W & R	4
1	Drum	AMERGEL 200	DREW	4
1	Drum	IPDI	HULS	4
1	Drum	DESMORAPID PP	RHINECHEM	4
1	Drum	PHENOL	CHEMISPHERE	4
2	Drums	TDI	KLOCKNER	4
1	Drum	MONDUR CD	MILES	4
1	Drum	TRISOPRONPADOLAMINE		3
1	Drum	PAINT	MILES	4
1	Drum	TRIOCTYL PHOSPHATE		3
2	Drums	CAPRYLIC ACID	HEXAGON	4
1	Drum	PRISORINE 501	HEXAGON	4
1	Drum	ACROLEIN		3
1	Drum	ADHESION RESIN		3
1	Rec.Dr.	DIMETHYLAMINE	BASF	4
11	Drums	CAUSTIC SODA		3
4	Drums	PHENINDAMINE TARTRATE	HOFFMAN LA ROCHE	4
1	Pallet	33 BAGS IRON OXIDE		3

AMT.	CONTAINER	PRODUCT	CUSTOMER	STATUS
17	Fiber Drs.	PARAFORMALDEHYDE	KRAMER	4
16	Fiber Drs.	MAGNESIUM SULFATE		3
1	Drum	ADOGEN	SHEREX/WITCO	3
1	Drum	ACETONATE		3
1	Drum	SODIUM META BISCOLPLITE		3
2	Drums	LAURIC ALDEHYDE		3
2	Drums	PAINT		3
1	Drum	POTASSIUM FLUROCONATE		3
1	Drum	GLUE		3
1	Drum	CAUSTIC POTASH		3
1	Crate	CYLINDERS	UNION CARBIDE	3
58	Drums	UNKNOWN	UNKNOWN	1-2-3-4-5-6

07-14-62

MEMO

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO FILE THROUGH JEFFREY STERLING DATE 10/06/89
 FROM BOLESŁAW CZACHOR
 SUBJECT FREY INDUSTRIES Inc, NJD 000729780,
investigation up date.

The FREY Industries Inc, located at 29 Riverside Av. Newark, N.J. with the EPA assigned ID number, NJD 000729780 is a warehousing, distributor and packaging facility for chemicals for industrial use. The company is providing its chemical handling, packaging and drumming services for approximately 50 customers, with unlimited number of chemicals. The major customers of FII as follows: MONSANTO, BASF, MOBAY, GE, ARCO, and OLIN. The services are carried out on both domestic and international markets. The company general policy is that FII never owns any of material which they handle.

Facility operations.

- storage of raw materials and good product for various customers - this operation does not generate a hcz. waste unless the material become obsolete.
- packaging and drumming operations of material which comes on site in R.R cars, intermodal tanks or tank trailers into drums or smaller containers. Accord. to facility

SUMMARY OF FINDINGS

FACILITY DESCRIPTION AND OPERATIONS

operator MR. T. FREY no h.w. waste is generated in those operations also. The hose ends and wash outs are hauled together with original material and shipped either to customer or back to generator.

The carbon vapor recovery containers used during transfer operations are sent back to the supplier which is Cologen Co., for their recovery. A minimal amount of waste may be generated from spill clean up operations.

→ accepting of bad condition purchaser, damaged containers, and spill clean up residues, storage of those at the facility until final disposition is made by customer. This operation appears to be controversial and may constitute the h.w. waste handling operation. The BTHWE should determine and assess the extent of that activity and establish its status.

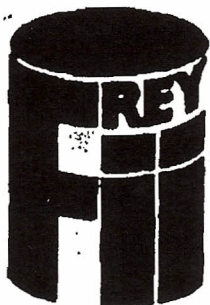
Currently the company is under ongoing investigation/inspection and the location was visited on 09/01/89, 09/11/89 and on 09/19/89, due to complexity of the company operations I agreed to

SUMMARY OF FINDINGS

FACILITY DESCRIPTION AND OPERATIONS

To the company request that the meeting with BHWEL should be arranged in order that proper status for the FII will be defined.

In fact the meeting is scheduled for Oct. 17, 89 at the BHWEL offices and it is agreed that full ROKA inspection will be conducted after that.



FREY INDUSTRIES, INC.

A Total Physical Distribution Concept

P.O. Box 9307 • Newark, New Jersey 07104
201 / 482-0153 • Fax: 201 / 482-9480

September 15, 1995

Mr. Boleslaw Czachor
Metro Bureau of Water & Hazardous Wastes
Division of Facility Wide Enforcement
2 Babcock Place
West Orange, NJ 07052

RE: Notice of Violation - June 14, 1995

Dear Inspector Czachor:

This memo is intended to update all concerned with reference to the progress that has been made with the drums located in Building 12 that have required; identification, sampling, re-packaging and potential re-classification.

I will indicate our current status from a "floor" location:

FLOOR 5

We have identified four (4) drums that are owned by several of our current customers and are awaiting disposition from their sample analyses. We have identified eight (8) drums as containing some type of sludge and one (1) that contains paint. At this point, we do not know if this material is of a hazardous nature.

FLOOR 4

Everything on this floor is in order.

FLOOR 3

We have repackaged thirty-three (33) drums of caustic soda and are waiting for a customer to purchase or take them from us.

WAREHOUSING • DRUMMING • PACKAGING • RAIL TO TRUCK TRANSFERS • DISTRIBUTION
29 RIVERSIDE AVENUE • NEWARK, NEW JERSEY 07104

201

FLOOR 2

We have identified four (4) drums of Araldite and marked them accordingly.

NOTE: The various materials located by the elevators are:

- * Calcium Hypophosphite - Hoechst Celanese
- * Resin Solution - Upaco
- * Dimethyl Ethylamine - Atochem
- * Primary Amyl Acetate - T R Metro

FLOOR 1

Everything on this floor is in order.

BASEMENT

As of the date of your inspection on Wednesday, September 13th we have:

- * Segregated 15 drums for BASF.
- * Segregated 100 empty super sacks.
- * Segregated 8 drums for Monsanto.
- * Segregated 10 drums for G.E.
- * Identified 61 drums for various customers.

At the time of this memo, there are 52 drums that require positive identification. All identified drums will be inventoried on the (South) wall, and all unidentified drums will be inventoried on the (North) wall.

We will be prepared to have everything in order when you perform your next inspection on September 27th.

Please advise if you need any additional information prior to September 27th.

Very truly yours,

Tilghman B. Frey
Tilghman B. Frey

TBF/gp

c.c.: T. Brady
G. Frey
M. Frey
G. Grimes

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SUMMARY OF FINDINGSFACILITY DESCRIPTION AND OPERATIONS

On 4/2/87 a RCRA inspection was conducted at Freys Industries Inc, formerly Tobac packaging of Newark, New Jersey. This inspection was conducted by NJ DEP personnel Wayne Green and Arnold Schiff. The facility personnel representing Frey Industries on this inspection was Tilghman B. Frey, President.

Finished products are brought to Freys in bags, steel drums and fiber drums. Raw isoprene materials are from approximately 70 customers. Such customers include Ashland Chemical, BASF, Mobay Chemicals and Monsanto. Most products from these customers are warehoused until request is received for shipment.

Rail cars, tank-trucks and Isotanks (tanks from ships) are also received at Frey's, Newark facility. Products are usually removed from these containers for shipment to 55 gal drums. At times materials may also be removed from 55 gal drums and transferred to rail cars, tank-trucks or isotanks.

Frey industries does not own any of these products. All products warehoused, packaged and distributed by Freys are eventually sold/shipped under owners (customers) name.

The products that are warehoused at Freys include polyester resins, belonging to Ashland Chemical. Flammable liquids,

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SUMMARY OF FINDINGSFACILITY DESCRIPTION AND OPERATIONS

acids, bases, corrosives and poisons are also handled at Frey's Newark facility. All items are assigned a lot number with respect to their accounts. The rail cars are usually from Monsanto and may contain Orthodichlorobenzene (ONCB) and paratrichlorobenzene (PNCB). These are two class-B poisons that go to agricultural fields in Europe and may also be used for cleansing operations in wool manufacture. Paratrichlorobenzene is usually shipped in isotanks for Monsanto.

The isotanks received by Frey Industries may be from as far away as Europe and may contain 1) Butylene Oxide 2) Cyclohexan 3) Dimethylamino polyamine (4) Morpholine. Such materials are usually drummed for BASF. At times Acetyl chloride is dedrummed (from drum) to tanks for American Hoechst. Diethyl sulfate is also drummed to tanks for Aceto Corporation. Cresylic Acid (for petroleum industry) may also be drummed or dedrummed for General Electric (GE).

Whenever lines are steam cleaned at Frey Industries the resulting condensate is stored in 55 gal drums until another batch of the same material arrives for drumming. Lines are normally steam-cleaned at the end of each batch of a particular material. When this occurs the owner of the material takes a sample of the condensate to determine its purity. If it meets desired specification incoming batch of raw material is added to condensate in 55 gal drum until filled.

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SUMMARY OF FINDINGSFACILITY DESCRIPTION AND OPERATIONS

The drum is then shipped with other drums of raw material from the new batch. Frey Industries keeps records of these drums with ^{condensate} ~~material~~ ^{plus raw} ~~steam cleaned~~ new batch materials. According to Mr Frey the records for these drums indicate filling of partial drums. (Copies of such records are ^{to be sent} ~~expected~~ to this Office by Mr Frey).

Waste is generated at Frey Industries whenever spilled materials are cleaned up. Presently floor sweepings are not treated as hazardous. Packaging and repackaging of hazardous material ^{at Frey's} result in small quantities being spilled onto the floor and the President was advised by NJDEP personnel to classify floor sweepings as hazardous waste and manage it accordingly. Frey has also been advised to desist from being a repackager of hazardous waste for other companies who need ^{such} assistance from time to time. This packaging of hazardous waste by Frey ^{Industries} ~~induced~~ the removal of such waste from actual generation site to Frey's Industries Newark facility where waste would be adequately containerized ^{and} prepared for disposal ^(see attached documents re BASF retained to Wyandotte Corp and Frey Industries). This activity classifies Frey ^{Industries} as TSDF but since Frey Industries acted as a "gad guy" a stern verbal warning ^{and no NOV} was issued to ~~company~~ when NJDEP held meeting with Frey Industries and its Attorney days before this inspection. Presently on site at the facility is an ~~an~~ underground ^{concrete} storage.

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SUMMARY OF FINDINGSFACILITY DESCRIPTION AND OPERATIONS

tank ~~with~~ ^{water}. This tank is located below building #7. The above mentioned tank along with 1) 5 x 3000 gal tanks on 2nd Floor of Bldg #7 2) 5 x 1,500 gal tanks on 2nd Floor of Bldg #7 3) 72 x 2,000 gal tanks on 3rd Floor of Bldg #7, were the subject of a March 19, 1987 Administrative Order to Frey Industries from NJDEP.

The buildings ~~are~~ numbered 2, 3, 9 and 7 and 12 which are located at 29 Riverside Ave. (Frey Industries) contain a variety of materials. Buildings 2 and 3 are used for raw material (liquid) storage in warehouse fashion (includes 55 gal and lower size containers). Building #9 is a general product storage (includes bags and fiber drums). Outside of building #9 150 tanks ^{with} of PVCB (poison) were in storage. Building #12 is being used for ^{type of general} storage with cardboard barrels and other types of containers ~~holding various materials~~.

The tanks mentioned previously were seen (except for underground tank) in building #7. ^{In} This building ~~also had~~ a repackaging of dyes/pigments were being done (Floor #2). Floor #3 was a miserable site as wet cardboard barrels with small 8-lb-type bottles of chemicals were seen. There were also rusted steel drums with paraformaldehyde opened to atmosphere (label read "dust has potential to cause explosion when mixed with air, avoid dust/vapor, keep container closed", ~~and~~ Product was from Kramer Chemical Inc. Clifton NJ)

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SUMMARY OF FINDINGSFACILITY DESCRIPTION AND OPERATIONS

Sections of floor 3 (bldg #7) were spotty with bluish marks and room had a phenol-like odor. An area with ^{bluish-red} caked material was also seen on the floor of the same room. The 5 x 1500 gal tanks previously mentioned were seen with a varnish like material on the outside surface of the tank. This same material formed pillars between the tanks and the flooring of the room.

Within this room of building #7, floor 3, there were numerous drums stored in a haphazard fashion atop of each other. Some containers were leaning on each other, others were on their sides with material spilling from them unto the floor. Frey has already been issued a clean up orders for this building by NJDEP (as mentioned earlier).

Outside of building #7, there is a dark stained ~~area~~ ^{unpaved} area just ~~at~~ ^{at} the entrance to the building. This area is apparently contaminated with chemicals that drip from pipes/hoses used to ~~drum~~ ^{fill} drums on a drumming line located on the ground floor of building #7 ~~about~~ ^{about} a foot away from stained spot. The company was advised by NJDEP personnel, and have agreed to have soil samples from this area analysed for possible contamination. If contamination exist the company should remove appropriate section of soil and incorporate clean up in schedules for

-A-

SUMMARY OF FINDINGSFACILITY DESCRIPTION AND OPERATIONS

closure of facility according to closure plan as per administrative order of March 19 from NJDEP. After removal of any contaminated soil and possible refilling with ^{the} ~~soil~~ ^{with concrete or other appropriate materials} the company will be required to pave the area to prevent future contamination.

Frey Industries was issued NOV for violation of NJAC 7:26-9.4(g) et seq, NJAC 7:26-9.6(f), NJAC 7:26-9. et seq. These violations and their expected compliance were discussed with facility personnel before proceeding to the special set of questions for code-6 facility below.

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SUMMARY OF FINDINGS

Answers to special questions Re Code-6 facility,
Frey Industries.

FACILITY DESCRIPTION AND OPERATIONS

Frey Industries of 29 Riverside Ave, Newark has bought the assets of Tobar Packaging which was formerly located at 29 Riverside Ave Newark, NJ. Tobar Packaging had apparently filed ~~8~~ with the EPA as a TSDf. The owner of Frey Industries, Tillinghman B Frey has stated that he ^{does not know whether} ~~is unaware of~~ Tobar ~~had~~ used tanks for storage of hazardous waste in fact he doesn't know whether Tobar packaging actually acted as TSDf.

In a letter to NJDEP (attached) date October 2, 1984 Tillinghman B Frey requested delisting of Frey Industries from TSDf to generator only. According to Mr Frey his Company is definitely not a TSDf irrespective of what ~~is~~ Tobar packaging was, so he requested classification as generator only.

Apparently the company (Tobar packaging) or Frey Industries did not go through a formal closure. No closure plan was submitted to NJDEP by Frey Industries. Whether Tobar packaging had done this or not is unknown by Frey. Presently Frey Industries ~~is~~ has consultants and attorneys on payroll. These personnel are employed to determine whether Tobar packaging had used tanks for storage of hazardous waste, whether they did act as TSDf and ~~from~~ other information relating to

SUMMARY OF FINDINGSFACILITY DESCRIPTION AND OPERATIONS

Frey Industries take over and subsequent responsibilities for Tobac's previous activities re hazardous waste management.

On site ^{there are} numerous tanks exist as previously described in RCRA inspection section of this report. ^{previous use of these} These tanks ~~and~~ are being determined by consultants as ^{mentioned} previously. The company's president Tilghman B. Frey express concern at his company's status and outlined that Frey Industries is doing what is necessary to cooperate with NIDEP and have all matters concerning Hazardous waste management at Frey Industries resolved.

Describe the activities that result in the generation of hazardous waste.

Packaging of ~~ma~~ hazardous materials usually result in some spillage. The floor sweepings from rooms in which ~~hazardous waste~~ materials/~~substances~~ are packaged along with any other spill clean up of hazardous materials ~~as~~ constitutes Frey-Industries hazardous wastes.

Identify the hazardous waste located on site, and estimate the approximate quantities of each.
(Identify Waste Codes)

Hazardous waste Solids ORME (Floor sweepings)

- company was not previously classifying this as hazardous waste but as of the date of inspection they have agreed to do so.

- Quantity was therefore not ^{estimatable.} ~~estimatable.~~

MAY 31 2011

GE

Corporate Environmental Programs
General Electric Company
640 Freedom Business Center
King of Prussia, PA 19406
U.S.A.



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